

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
THURSDAY, OCTOBER 25, 2012 AT 6:30 P.M.**

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Scott Mitchell, Council Place Three

Mayor Pro Tem Tony Dale
Lowell Moore, Council Place Four
Don Tracy, Council Place Six
Brenda Eivens, City Manager

A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

**Mayor Powell called the meeting to order at 6:30 p.m.
All Council present.**

A.2 Invocation. (6)

Invocation given by Councilmember Tracy.

A.3 Pledges of Allegiance. (U.S. and Texas)

Council led the audience in the Pledges of Allegiance.

A.4 Presentation: Recognition Of Sharon Davis - Winner Of The Hope Alliance Mayor's Cup.

Mayor Powell stated he had selected Sharon Davis to represent the City of Cedar Park in the Hope Alliance Mayor's Cup Golf Tournament. Ms. Davis won first place in the tournament.

Melinda Biggs, Hope Alliance, described the tournament and recognized the efforts of the surrounding cities and their involvement with Hope Alliance functions which provides assistance services for domestic violence victims.

Sharon Davis presented the Winner's Cup to Mayor Powell.

A.5 Presentation: A Proclamation Recognizing November As Pancreatic Cancer Awareness Month.

Mayor Pro Tem Dale read and presented a Proclamation recognizing November as Pancreatic Cancer Awareness Month to Ms. Tracy Johnston.

A.6 Presentation: Recognition Of The Certified Scenic City Award - Anne Culver, Scenic Texas.

Rawls Howard, Development Services Director, and Amy Link, Planner, stated the City of Cedar Park has been awarded the gold standard and is now a Certified Scenic City. This award was given to nine Texas municipalities.

Anne Culver, Executive Director, addressed Council regarding the Certified Scenic City Award. Ms. Culver provided a brief background of Scenic City and stated the focus and

mission of the program is to support and recognize Texas municipalities that implement high-quality scenic standards for public roadways and public spaces, with the long-term goal of improving the image of all cities.

Gerard Kinney, Scenic City, addressed Council regarding the criteria and benefits for becoming a Certified Scenic City.

- A.7 Citizens Communications. (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Council. Council May Respond With Factual Information)

Chris Colemon, Clean Air Force of Central Texas, addressed Council regarding clean air and the support efforts of the Clean Air Force. He encouraged the City's support by being a part of the efforts and donating \$2k.

Maria Talamo, Cedar Park, introduced Boy Scout Troop 159 in attendance at the meeting. The troop is working on their Citizenship in the Community Merit Badge.

- A.8 Mayor and Council Opening Comments.

Mayor Powell commented on the visit of Ted Cruz, US Senate candidate, to Cedar Park, and the ribbon cutting for the New Hope Road gap project.

Councilmember Fuller commented on a meeting he attended on behalf of LCRA, the ribbon cutting for New Hope Road, and a meeting related to the emergency operation center for the Formula One race. He requested a future agenda item for an update on the Urban Shield Project.

Councilmember Mitchell commented on Citizens Communications and the Clean Air Force Coalition. He encouraged Mr. Colemon to explore the CAPCOG Clean Air Program and their role and initiatives.

- A.9 City Manager Report: Update On The Playground Shade Structure Implementation - Curt Randa, Parks And Recreation Director. (Mayor Powell)

Curt Randa, Parks and Recreation Director, addressed Council regarding the Playground Shade Structure Implementation Program. The nine parks identified as high priority are Cedar Park Bark Park, Brushy Creek Sports Park, Gann Ranch Park, Lone Tree Park, Heppner Bend Park, Heritage Park, Forest Oaks Park, Oakwood Glen Park, and Park Place Park. Council will be approving the funding sources at a meeting in December and installation is scheduled to begin in April 2013.

Councilmember Fuller inquired about the prioritization of the nine parks.

- A.10 City Manager Report: Update On The Parks And Recreation Department Upcoming Events Including Veterans Day Parade/Ceremony, Golf Tournament And Tree Lighting/Santa's Workshop - Curt Randa, Parks And Recreation Director.

Curt Randa, Parks And Recreation Director, provided an update on the upcoming events in November and December.

- A.11 City Manager Report: Presentation Of Tourism Marketing Study And Recommended Activities - Katie Krampitz, Tourism Services Manager.

Katie Krampitz, Tourism Services Manager, provided an update on the Tourism Marketing Study. This study was conducted by MindEcology in order to provide a viable and reliable market study to help define the most relevant demographic and geographic markets given prior histories of interest and attendance. Ms. Krampitz reviewed the findings and stated this will allow the Tourism Advisory Board Marketing Subcommittee to develop a marketing plan for Cedar Park. Ms. Krampitz showed Council the revised logo for Cedar Park Fun.

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Agenda Item D.1 removed from the Consent Agenda by Councilmember Fuller.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C and D excluding D.1.

Movant: Councilmember Fuller

Second: Councilmember Tracy

Vote: 7:0

- B.1 Approval Of The City Council Minutes From The Regular Scheduled Meeting Of September 27, 2012.
Approved under the Consent Agenda.
- B.2 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of March 19, 2012.
Received under the Consent Agenda.
- B.3 Receipt Of Minutes From The Cedar Park Economic Development Corporation ("4A") Meeting Of August 20, 2012.
Received under the Consent Agenda.
- C.1 Second Reading And Approval Of An Ordinance Amending Chapter 9, Municipal Civil Service, Article 9.11 Of The Cedar Park Code Of Ordinances, To Revise The Number Of Positions In The Police Department.
Approved under the Consent Agenda.

Ordinance Number CO01.12.10.25.C1

- D.1 A Resolution Authorizing And Directing The City Manager To Execute Change Order No. 1 With Excel Construction Services For The Floating Raw Water Intake Contingency Project, Phase A Underwater Pipeline.

Removed from the Consent Agenda by Councilmember Fuller.

Councilmember Fuller asked for this item to be removed from the Consent in order to comment on the excellent planning and the years of preparation to plan for severe droughts.

Movant: Councilmember Fuller

Second: Councilmember Mitchell

Vote: 7:0

Resolution Number R05.12.10.25.D1

- D.2 A Resolution Approving An Amendment To The Bylaws Of The Community Development Corporation ("4B") To Reflect A Change In The Official Location Of Meetings.

Approved under the Consent Agenda.

Resolution Number R06.12.10.25.D2

- D.3 A Resolution Approving An Amendment To The Community Development Corporation ("4B") Rules And Procedures To Reflect A Change In The Official Location Of Meetings.

Approved under the Consent Agenda.

Resolution Number R07.12.10.25.D3

- D.4 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Faith In Action Caregivers Northwest For Fiscal Year 2012/13.

Approved under the Consent Agenda.

Resolution Number R08.12.10.25.D4

- D.5 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With The Literacy Council Of Williamson County For Fiscal Year 2012/13.

Approved under the Consent Agenda.

Resolution Number R09.12.10.25.D5

- D.6 A Resolution Authorizing And Directing The City Manager To Execute A Social Service Agency Annual Funding Agreement With Williamson Burnet County Opportunities, Inc. For Fiscal Year 2012/13.

Approved under the Consent Agenda.

Resolution Number R10.12.10.25.D6**PUBLIC HEARINGS**

- E.1 (Z-12-008) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning And Rezone From Rural Agriculture (RA) Approximately 57.67 Acres To 6.59 Acres Of General Retail (GR), 41.17 Acres Of Townhome (TH) And 9.91 Acres Of Open Space Recreation (OSR) For Property Located On The West Side Of Ronald Reagan Boulevard Just North Of East Whitestone Boulevard. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Rawls Howard, Development Services Director, stated the applicant is seeking to assign zonings of General Retail, Townhomes and Open Space Recreation. Mr. Howard stated under further analysis the zoning will provide rooftops to support office and retail close to commercial nodes and also is appropriate transitions around the node of two major arterials. Staff has engaged LISD in discussions regarding the residential development and impact to local schools.

Councilmember Fuller commented on the coordination with LISD and emphasized predictability.

Applicant Paul Linehan addressed Council regarding the request. He addressed the flood plan and spillway adjacent to the property and aspects of the townhome area.

Mayor Powell inquired how many townhomes per acre would be developed.

Mayor Powell opened the Public Hearing.

Public Comment:

Roland Krienke, Cedar Park, stated he is not opposed to the zoning but is concerned about the dam and spillway and flooding issues.

Sharon Krienke, Cedar Park, stated flooding is a large concern in the area.

Mayor Powell closed Public Hearing.

Applicant Paul Linehan addressed the flooding concerns and stated they are aware of the issue and will be dealing with this under the site development.

Councilmember Moore inquired about the dam.

Councilmember Fuller commented on the Applicant working with staff to derive appropriate zoning for the area.

- E.2 (Z-12-011) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Retail (GR) To Approximately 31.13 For Property Located On CR 180 Just East Of

183A And North Of New Hope Drive. **The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Agenda Item E.2 and E.3 called together.

Rawls Howard, Development Services Director, stated the applicant is seeking to assign original zoning of General Retail (GR) to approximately 31.13 acres. The request supports economic development goals of the Comprehensive Plan, is Compatible with the Future Land Use Plan, and meets the purpose statement of the General Retail (GR) district.

Councilmember Moore inquired about road access.

Mayor Powell opened the Public Hearings.

Public Comment: None

Mayor Powell closed Public Hearings.

Councilmember Thomas inquired about the density of the condominiums.

- E.3 (Z-12-012) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of General Office (GO) To Approximately 12.67 Acres And Condominium (CD) To Approximately 34.49 Acres For Property Located On New Hope Drive Just East Of CR180. The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Agenda Item E.2 and E.3 called together.

Refer to Agenda Item E.2 for discussion and public hearing.

- E.4 (Z-12-013) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 22.30 Acres From General Retail (GR) And Local Retail (LR) To Condominium Residential-Conditional Overlay (CD-CO) For Property Located Near The Southwest Corner Of Ronald Reagan Boulevard And County Road 180. The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Note: Mayor Powell stepped off dais and Mayor Pro Tem Dale took over as acting chair.

Rawls Howard, Development Services Director, stated the applicant is seeking to rezone approximately 22.3 acres from Local Retail (LR) and General Retail (GR) to Condominium Residential (CD). Mr. Howard stated under further analysis the zoning will provide rooftops to support office and retail close to commercial nodes, provide appropriate transitions around the node of two major arterials and retains commercial road frontage along future New Hope and Ronald Reagan. Staff has contacted LISD in relation to the residential component.

Mr. Howard stated in order to ensure retention of commercial frontage along Ronald Reagan Boulevard Staff recommends including a condition requiring detention for the residential development be located on the CD tract. The condition was supported by the applicant and the P&Z.

Councilmember Moore inquired if there was any intent to improve CR180.

Applicant, Geoff Guerrero, addressed Council regarding the zoning request. A traffic impact analysis is currently in process for the area. The developer of this tract also has property on the other side and is hoping to spur development in the area.

Mayor Pro Tem Dale opened the Public Hearing.

Public Comment: None.

Mayor Pro Tem Dale closed the Public Hearing.

- E.5 (Z-12-014) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 2 Acres From General Retail (GR) To Commercial Services (CS) For Property Located At 702 South Bell Boulevard. The Planning And Zoning Commission Voted 6-0 To Deny The Request.

Rawls Howard, Development Services Director, stated the applicant has requested to rezone approximately 2 acres from General Retail (GR) to Commercial Services (CS). Staff and the P&Z have recommended denial of the request. The denial was based on the following reasons: it is not compliant with the FLUM and the Comprehensive Plan Goals and Objectives. The request does not meet the intent statement of the CS district, and the intersection is a major node. Also, there are existing storage facilities within 1/3 mile of this tract.

Councilmember Fuller inquired what the buildings were behind the area and the location of the railroad tracks.

Note: Mayor Powell returned to the dais and resumed chairing the meeting.

Councilmember Dale commented on not restricting by ordinance like businesses being located in the same area. This is not a policy of the City and should not be restricted. He commented on the location of the property.

Councilmember Fuller inquired about the vote needed to overturn the P&Z recommendation of denial.

Applicant Kristiana Alfsen addressed Council regarding the aspects of the zoning request including owners of the land, aspects of the intersection and detention ponds in the front of the property, and access.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

Applicant Kristiana Alfsen addressed Council with closing comments to support the zoning request.

- E.6 (Z-12-015) First Reading And Public Hearing Of An Ordinance To Assign Original Zoning Of Commercial Services (CS) To Approximately 7.17 Acres Located At 3100 Woodall. The Planning And Zoning Commission Voted 6-0 To Approve The Request.**

Rawls Howard, Development Services Director, stated the Applicant is seeking to assign original zoning to approximately 7.17 acres from Development Reserve (DR) to Commercial Services (CS). One person did speak in opposition at the P&Z meeting in opposition of the request.

Councilmember Moore inquired what the opposition was in relation to.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

- E.7 First Reading And Public Hearing Of An Ordinance To Amend The Cedar Park Code Of Ordinances, Chapter 5 Fire And Emergency Management, Article 5.07 Emergency And Disaster Management, Division 1 Generally.**

Michael Clanton, Emergency Management Coordinator, addressed Council regarding the proposed amendments. The proposed amendments are to align Article 5.07 with previous changes made to the governing state statute. The amendments also streamline the ordinance by removing language covered by the Texas Government Code, Chapter 418.

Councilmember Fuller commented on multi-jurisdictional responsibilities and the Judge of the County ultimately making the rules and overriding local authority. He inquired how this would impact Cedar Park and command efforts.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

- E.8 Public Hearing And Consideration To Approve A Resolution Authorizing And Directing The City Manager To Apply For The Transportation Enhancement Program Grant From The Texas Department Of Transportation.

Tom Gdala, Transportation Planner, stated this item is for authorization to apply for a Transportation Enhancement Program grant from the Texas Department of Transportation. This program would provide funding to construct a sidewalk and pedestrian bridge on the north side of RM 1431 between Discovery Boulevard and 183A. The total project cost is estimated at \$378,000. Mr. Gdala reviewed the project and the specifics for funding.

Councilmember Fuller inquired if the funding would be from FY13 or FY14.

Mayor Powell opened the Public Hearing.

Public Comment: None

Mayor Powell closed the Public Hearing.

Mayor Powell commented on the use of grant funding and the use of funding for projects in the best interest of citizens. He would like to see more grant funding for roads and getting vehicles through the City. He also commented on the ability to use funds as needed and not being limited to only specific projects.

Motion to approve a Resolution authorizing and directing the City Manager to apply for the Transportation Enhancement Program Grant from the Texas Department of Transportation.

Movant: Councilmember Fuller

Second: Mayor Pro Tem Dale

Vote: 7:0

Resolution Number R11.12.10.25.E8

REGULAR AGENDA (NON-CONSENT)

- F.0 Discussion And Possible Action:

- F.1 Consideration To Approve A Resolution Authorizing An Investment Policy, Strategy Guidelines And Authorized Broker Dealer List For The City Of Cedar Park.

Josh Selleck, Assistant City Manager, addressed Council regarding the proposed amendment to the Investment Policy. Mr. Selleck reviewed the amendment for the exclusion of capital appreciation bonds as authorized investments.

Mayor Pro Tem Dale commented he had asked for Staff to research this item. The City does not currently use this, however can always amend to allow in the future.

Motion to approve a Resolution authorizing an Investment Policy, Strategy Guidelines and Authorized Broker Dealer List for the City Of Cedar Park.

Movant: Councilmember Mitchell

Second: Councilmember Fuller

Vote: 7:0

Resolution Number R12.12.10.25.F1

F.2 Discussion Of A Donation And Sponsorship Policy For The City Of Cedar Park.

Josh Selleck, Assistant City Manager, addressed Council regarding the new Donation and Sponsorship Policy for the City. This policy is designed to guide the process for the City of Cedar Park in accepting offers of donations and sponsorships outside of grants with private, non-profit, or other governmental entities for equipment and programs. Mr. Selleck reviewed the specifics of the policy.

Mayor Powell stated this item to provide guidelines for the City. It is not intended to commercialize city, but rather allow local business and community members to participate in building out recreational opportunities with tasteful recognition.

Mayor Pro Tem Dale commented on the Gary family in Georgetown willing their ranch to the City of Georgetown to become a park.

Councilmember Fuller commended Mayor Powell for taking the lead on this and stated Veteran Memorial Park is a perfect example of contributors.

F.3 Consideration Of Appointments To The Cedar Park Comprehensive Plan Advisory Committee. (Mayor Powell)

Mayor Powell said Council should start suggesting names and reach out to those people and confirm interest. The names will be brought back to Council for consideration.

Mayor Pro Tem Dale stated he had an appointment. James Maness is interested in serving. He could represent the HOA or Citizen category.

Councilmember Fuller commented on having Chamber representation and reaching out to the Leadership Cedar Park participants. He also recommended contacting Linda Haywood or Danita Futch to see if they have an interest in serving.

Mayor Powell stated the new Chamber President will be on board and this will help bring him up to speed fast. He also commented on Claire Love as another possible person of interest and supported Linda Haywood from ACC.

Mayor Powell commented on the possibility of Larry Holt, Economic Development Specialist, serving for the City.

Councilmember Moore stated it would be useful if all members are citizens of the City and have a vested interest in the City.

Mayor Powell stated the appointments could be based on a case-by-case basis.

Mayor Pro Tem Dale stated Mo Jahadi, business owner and 4B boardmember, is also interested in serving.

Mayor stated Lorena Echeverria from the P&Z would be a wonderful addition.

Motion to appoint James Maness and Mo Jahadi to the Comprehensive Plan Advisory Committee.

Movant: Mayor Pro Tem Dale

Second: Councilmember Moore

Vote: 7:0

F.4 Mayor's Initiative: Independence Day Parade. (Mayor Powell)

Mayor Powell commented in trying to identify items related to civic pride, recreational opportunities, and spirit of the community the City does not have a parade to honor Independence Day. He commented on attending the parade in Round Rock. He would like to consider a morning event in order not to compete with other cities. He would like Council's feedback or input on this idea.

Councilmember Moore commented on past parades. It was a good idea then and a great idea now.

Councilmember Fuller commented on the past Heritage Parade and the increased participation for the Veteran Day parade.

Mayor Powell commented on a possible parade route.

Councilmember Fuller stated he supports the idea.

Mayor Powell would like staff to review this and bring back to Council for future consideration.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 8:53 p.m.

G.0 Executive Session:

- G.1 Section 551.071 (1)(A) And (2) Consultation With Attorney Concerning Legal Matters Covered By The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas.
A. Legal Issues Concerning Challenges Raised By The Freedom From Religion Foundation And The Americans United For Separation Of Church And State.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

- H.0 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

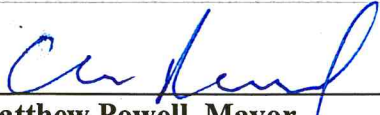
Council reconvened from Executive Session into Open Meeting at 9:23 p.m.

No action taken on any item discussed in Executive Session.


- H.1 Mayor And Council Closing Comments.
None.

- H.2 Adjournment
Mayor Powell adjourned the meeting at 9:22 p.m.

PASSED AND APPROVED THIS 13TH DAY OF DECEMBER, 2012.


Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

